

AGENDA

CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Wednesday, December 5, 2012, at 9:00 AM
Department of Public Health
410 Capitol Avenue, Hartford CT
Third Floor Conference Room -C

CALL TO ORDER

I. Minutes

Review and approval of the minutes from the September 12, 2012 meeting.

II. Department of Public Health Updates

- A. Investigations Update
Gary Griffin, Practitioner Investigation Unit, DPH
- B. Examination Update
Deborah Brown, Health Program Assistant
 - *Examination Retakes*

III. Old Business

Meeting House Opticians #0001395 / *Jeffrey M. Fine, L.O.*

IV. NEW Business

- A. Memorandum of Decision
Jeffrey M. Fine, L.O. – Petition No. 2012-198
- B. Schedule Meeting Dates for 2013

V. OFFICE OF LICENSURE REGULATION AND COMPLIANCE

VI. Examination Appeals

VII. Additional Agenda Items

ADJOURN

The following minutes are draft minutes which are subject to revision and have not yet been adopted by the board.

The Connecticut Board of Examiners for Opticians held a meeting on Thursday, September 12, 2012 at the Department of Public Health, Capitol Avenue, Third Floor Conference Room, Hartford, CT.

BOARD MEMBERS

PRESENT:

Linda Conlin, LO, Chairperson

René "Skip" Rivard, LO

BOARD MEMBERS

ABSENT:

None

ALSO PRESENT:

Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations; Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Gary Griffin, Practitioner Investigation Unit, DPH; Maritsa Morales, Licensing and Examination Analyst II, DPH; Steve Carragher, Health Program Supervisor, DPH; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH; Ellen Shanley, Staff Attorney, DPH; Joelle Newton, Staff Attorney, DPH;

Chairperson Linda Conlin called the meeting to order at 9:10 a.m.

I. Minutes

A. May 10, 2012

1. Having been previously distributed and reviewed by the members, a reading of the minutes from the regularly scheduled meeting of the Board of Examiners was waived. A motion made by Mr. Rivard, seconded by Ms. Conlin, was passed to accept the minutes.

B. August 17, 2012

1. The minutes from the scheduled Meeting of August 17, 2012 were read. Motion to accept: Rivard, second: Conlin. Motion Passed

II. New Business

- A. An application to Connecticut Office of Higher Education to begin a program in Ophthalmic Sciences was presented and reviewed. Mr. Rivard applauded the application and expressed his pride that the named project manager is a former student of the Ophthalmic Design & Dispensing Program at Middlesex Community College. The program was simultaneously presented to the CTDHE for review. Discussion followed regarding Regional Accreditation [NEASC] of the College and professional accreditation from the Commission on Opticianry Accreditation [COA]. The Commission on Opticianry Accreditation requires that an opticianry program graduates its first class before it can apply for accreditation.

The Board recognized the application and will await further information as it is reviewed by the Department of Higher Education.

III. Department of Public Health Updates

- A. Investigations Update: *Gary Griffin, Practitioner Investigation Unit, DPH*
1. Mr. Griffin reported that no new petitions have been presented.
 2. An investigation regarding ELO Optical, Torrington, CT was still in progress.
 3. Mr. Griffin reported that there was no action regarding Wal-Mart Optical and Independent Doctors of Optometry, previously presented to the Board and referred to the DPH for investigation [Minutes: Board of Examiners for Opticians: May 10, 2012: New Business: Item II. B]

A copy the email originally referenced at the May meeting of the Board was given to Mr. Griffin.

- B. Examination Update: *Maritsa Morales, Licensing and Examination Analyst II*
1. Ms. Morales reported thirteen candidates passed the recent Eyewear Practical exam, four candidates failed and two applicants did not attend. Thirteen candidates passed the Contact Lens practical exam. Four failed, two did not attend and one candidate left without taking the exam.
 2. Dates for the Fall 2012 Practical Exams were set:
 - a. November 5, Contact Lens;
 - b. November 13, Eyewear.
 - (1) The application deadline of September 7 was set for the Fall 2012 practical exams

IV. Old Business

- A. **Jeffrey M. Fine, L.O. - Petition 2012-198. Respondent's Motion to Reopen the Record.**
1. After a review of minutes from the Board meeting of August 10, 2012 and considerable deliberation, the Board granted the written motion from Staff Attorney Ellen Shanley, to **deny the motion to reopen the Hearing.**
 2. The renewal of the Optical Selling Permit for **Meeting House Opticians** [OSP 0001395] was questioned. The State of Connecticut *elicensing* website showed the permit was renewed, effective 09/01/2012. The Optician of Record is listed as Jeffrey M Fine. At that time, Mr. Fine's license to practice as an Optician was inactive. His license to practice was summarily suspended by the Board on an order dated 10 May 2012. It was the firm opinion of the Board the permit for Meeting House Opticians should not have been renewed with Jeffrey M Fine as the Optician of Record. After discussion the Board suggested that if Mr. Fine is working as an optician at Meeting House, it would constitute unlicensed practice. If an optician is not on the premises at all times to conduct business the optical shop cannot be open to the public.

A brief investigation by the Ms. Filippone confirmed that the permit under Mr. Fine's name had been issued in error. She agreed to investigate.

V. Legal Office Business

Cohen's Fashion Optical, Farmington, CT - Petition No 2011-1029
Presentation of Consent Order - Joelle Newton, Staff Attorney

The respondent admitted that from approximately September 2011 through October 2011 the optical shop operated without an optician of record on the permit. The Board was informed that during this time there was an optician present on the premises at all times the store was open.

After considerable discussion regarding the stipulated fine, a motion was made to accept the Consent Order imposing a Reprimand and a One-thousand (\$1,000.00) dollar civil penalty. Motion: Conlin, Second-Rivard, passed unanimously.

VI. Examination Appeals

A motion was made by Rivard, second-Conlin at 10:25 a.m. to enter into Executive Session to review examination appeals from two unsuccessful candidates from the May practical licensing exams.

At 10:45a.m. the Board came out of Executive Session. Motion: Conlin, second-Rivard, motion passed unanimously.

The Department will notify the appellants of the decision of the Board.

ADJOURNMENT

Mr. Rivard made a motion, seconded by Ms. Conlin to adjourn the meeting at 11:05 A.M.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians